

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DITECH FINANCIAL, LLC, et al.,) Case No. 2:17-cv-02029-RFB-NJK
Plaintiff(s),) ORDER
vs.) (Docket No. 48)
ANTELOPE HOMEOWNERS')
ASSOCIATION, et al.,)
Defendant(s).)

Pending before the Court is an order for Defendant Leodegario D. Salvador d/b/a GDS Financial to show cause arising out of its non-participation in the preparation and filing of the amended discovery plan. Docket No. 48. Defendant has now filed a response, indicating that it is not required to participate in discovery since it is challenging the sufficiency of service and the Court does not have jurisdiction over it as a result. Docket No. 53. More specifically, Defendant contends that it “will have to wait for an order from this honorable court that it is ok for [it] to participate in the ‘discovery stage.’” *id.* at 3. Defendant is wrong. “The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013) (quoting *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 554, 556 (D. Nev. 2011)). That remains true even where a defendant challenges service of process or personal jurisdiction. *See, e.g., Kabo Tools Co. v. Porauto Indus. Co., Ltd.*, 2013 U.S. Dist. Lexis 156928, at *5 (D. Nev. Oct. 31, 2013) (citing *AMC Fabrication, Inc. v. KRD Trucking West, Inc.*, 2012 WL 4846152 (D. Nev. Oct. 10, 2012) and *Holiday Sys., Int'l of Nev. v. Vivarelli, Schwarz, & Assocs.*, 2012 WL

1 3860824 (D. Nev. Sept. 5, 2012)). Defendant has not shown and the Court has not found that it is
2 permitted to avoid its discovery obligations. By default and without further Court order, Defendant was
3 required to participate in the formulation and filing of the discovery plan, and is not exempted from
4 complying with its discovery obligations moving forward.

5 Nonetheless, the Court declines to impose monetary sanctions at this time. The Court hereby
6 **DISCHARGES** the order to show cause, but **CAUTIONS** Defendant Leodegaro D. Salvador d/b/a
7 GDS Financial that it is not permitted to avoid discovery moving forward.

8 IT IS SO ORDERED.

9 DATED: October 30, 2017

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NANCY J. KOPPE
11 United States Magistrate Judge

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